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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,003	09/28/2005	Hedser Van Brug	294-220 PCT/US	9045
23869	7590	10/08/2008	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			ELEY, TIMOTHY V	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Claim Objections

1. Claims 1 and 9 are objected to because of the following informalities:

a. "surfaces" (claim 1, line 4) should be --surface--.

b. "an" (claim 9, line 1) should be changed to --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

c. "the further element" (claim 9, lines 6 and 7) lacks proper antecedent basis since it was not properly earlier referred to.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,10-12,28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tinker(6,301,009).

a. Tinker discloses an apparatus for forming or working optical objects comprising a working device, at least one measuring device(including 26) and a control device, the working

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device being adapted to form a surface of the optical object by machining or abrading, the at least one measuring device is adapted to measure changes in form and/or surface roughness of the surface during the surface being formed, the measuring device being further adapted to provide measuring data to the control device, the control device being adapted to control the working device on the basis of the measuring data. See figure 3; column 5, lines 50-end; and column 9, lines 38-end.

b. Regarding claims 2, 28, and 29, the measuring device is designed for measuring the changes in form with the aid of light beams, and for measuring changes in roughness. See column 8, lines 44-57.

c. Regarding claims 10 and 11, inherently the measuring device is insulated from vibrations, since accurate measurements cannot be taken if the light is not stable.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker(6,301,009).

a. Tinker is explained above. Tinker does not specifically disclose the measuring device being provided, at least partly, on

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a second arm(claim 13) and the measuring device using scatterometry. However, the measuring device is mounted would have been obvious to one having ordinary skill in the art at the time the invention was made, since applicant has not disclosed that the use of an arm provides any stated advantage over the prior art, and it appears that applicant's invention would function equally as well with the support means taught by Tinker. Also, Tinker teaches the use of a broad range of measuring devices(see column 8, lines 44-46). Therefore, the exact type of measuring device used would have been obvious to one having ordinary skill in the art at the time the invention was made, so long as the surface of the workpiece is adequately measured, in order to achieve the desired final finish.

8. Claims 3-9,14, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinker(6,301,009) in view of Kurogouchi(6,887,125).

a. Tinker is explained above. Tinker does not disclose at least one jet nozzle being able to dispense under pressure, a blasting agent for removing surface material through abrasive action, such that as a result thereof desired change in form and/or surface roughness is obtained. Kurogouchi discloses using at least one jet nozzle which is able to dispense under pressure, a blasting agent for removing surface material through abrasive action, such that as a result thereof desired change in form and/or surface roughness is obtained. See abstract, and figures

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1,2A, and 2B. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Tinker apparatus by replacing the working device therein with at least one jet nozzle being able to dispense under pressure, a blasting agent for removing surface material through abrasive action, such that as a result thereof desired change in form and/or surface roughness is obtained, as taught by Kurogouchi. Regarding claim 14, the working device may be provided with a series of blowing openings. See figures 2A and 2B.

b. Regarding claims 4,31, and 32, the exact pressure at which blasting occurs would have been obvious to one having ordinary skill in the art at the time the invention was made, since the pressure would depend upon the user preference.

c. Regarding claims 5,6, and 7, the exact type of holder used for holding the object would have been obvious to one having ordinary skill in the art at the time the invention was made, since clearly a partly translucent holder would allow for the light to pass therethrough so that information about the object may be obtained at numerous angles.

d. Regarding claims 8 and 9, in the apparatus as modified, a fluid jet polishing means is used. The shape of the object does not modify the structure of the apparatus.

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e. Regarding claim 33, the blasting agent is a mixture or suspension of a liquid and an abrasive agent. See column 7, lines 53-60.

f. Regarding claim 34, as modified, inherently the flow rate and/or pressure and/or outflow velocity and/or outflow profile can be actively controlled, depending on the measuring data registered by the measuring device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. The cited prior art discloses apparatuses for monitoring objects while work is being performed thereon.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Timothy V Eley/
Primary Examiner, Art Unit 3724

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